

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERRY SPEARS,

Plaintiff,

v

DEBRA DOLCH et al,

Defendants.

No C 08-2366 VRW

ORDER

On May 7, 2008, plaintiff filed a two-page, handwritten complaint that names "Debra J Dueltch [sic], Honorable Judge Durham, Larry Siracuse and Pat Garner" as defendants. Doc #1. The complaint asserts that plaintiff was awarded \$2.5 million in 1972 and alleges that defendants have abused their authority over the funds and have abused plaintiff emotionally, verbally and financially. Id. Plaintiff consented to have this case heard by the magistrate judge to which it was assigned. Doc #3.

In July 2008, plaintiff filed a document styled as a Notice of Hearing – Guardianship or Conservatorship that attached an "amendment to fourth account and report of successor conservator, petition for fees for successor conservator, for fees and costs for attorney" signed by defendant Debra J Dolch as conservator of the estate of "Terry Lee Spears, Conservatee." Doc

1 #4. The document enclosed a 25-page accounting of assets in the
2 estate of "Terry Lee Spears, Conservatee." Defendants neither
3 consented to nor declined the jurisdiction of the magistrate judge
4 (presumably because they were not served with the summons and
5 complaint, as there is no indication in the file that service was
6 effected). This case was reassigned to the undersigned on June 15,
7 2009. Doc #6.

8 After June 15, 2009, there was no further docket activity
9 for more than one year. On June 24, 2010, the court filed an order
10 stating that if plaintiff wished to proceed with this lawsuit,
11 plaintiff was required to submit to the court, no later than July
12 30, 2010, a letter so stating. Doc #8 at 2. Plaintiff was advised
13 to contact the Bar Association of San Francisco's Legal Help Center
14 for free legal assistance with this case, should such services be
15 desired. Id. The order further stated that if a letter was not
16 received on or before July 30, 2010, plaintiff's case would be
17 dismissed without prejudice. Id. Plaintiff was served with the
18 court's order on June 25, 2010. Doc #9. There has been no further
19 docket activity in this case.

20 Accordingly, pursuant to Federal Rule of Civil Procedure
21 41(b), the court hereby dismisses plaintiff's claims against
22 defendants without prejudice. The clerk is directed to close the
23 file.

24
25 IT IS SO ORDERED.



26
27 VAUGHN R WALKER
28 United States District Judge